

**BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA**

Date: May 25, 2010

MICHAEL A. PASTOR
Chairman

JOHN F. NELSON
Clerk of the Board

TOMMIE C. MARTIN
Vice-Chairman

By: Marilyn Brewer
Deputy Clerk

SHIRLEY L. DAWSON
Member

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman; Shirley L. Dawson, Supervisor; John F. Nelson, Interim County Manager/Clerk; Marian Sheppard, Chief Deputy Clerk; and Bryan Chambers, Chief Deputy County Attorney.

Item 1 – Call to Order – Pledge of Allegiance

The Gila County Board of Supervisors met in Regular Session at 1:30 p.m. this date in the Board of Supervisors hearing room. Marian Sheppard led the Pledge of Allegiance.

Item 2 - Information/Discussion/Action to canvass the election returns for the May 18, 2010, Special Election and declare the results official.

Linda Eastlick, Elections Director, distributed a report showing the results of the May 18, 2010, Special Election for Proposition 100, as well as a Town of Miami's election for 1 council seat and a budget override for a wastewater treatment plant. Ms. Eastlick also provided a handout showing Gila County's position relative to the other counties regarding voter turnout, which showed that Gila County was third in the State for voter turnout at 42.7%. She then reviewed with the Board the canvass of the elections, which included the following pages: Precinct Consolidated Plan, which reduced the number of precincts from 39 to 21 and 2 districts were vote by mail because they consisted of less than 200 voters; Voter Turnout, which was listed by total ballots of polling place ballots, early ballots and provisional ballots, with 26.2% of the ballots from early voters; Total Ballots for Proposition 100 showed that 7,649 voted yes, or 60.05% and 4,970 voted no, or 39.95%; and Total Ballots for the Town of Miami Election showed that Darryl Dalley won the council election with 157 votes, or 53.58% and the budget override passed by 205 yes votes, or 70.45%. Ms. Eastlick advised that with permanent early voting growing, precinct consolidation will need to be reviewed for redistricting next

year. Supervisor Dawson inquired whether the State provides any guidelines for combining precincts in the Carrizo Creek area. Ms. Eastlick advised that any place on the reservation by federal law cannot be combined. Vice-Chairman Martin inquired about encouraging voting by mail on the reservations. Supervisor Dawson stated that she would be extremely opposed to voting by mail as she believes the people need to go to the polls. Ms. Eastlick agreed that the people at the reservations really prefer going to the polls. Ms. Eastlick continued with her canvass of the election returns regarding 3 sections on the breakdown of the total vote; Polling Place Statistics; Early Ballot Summary; and Rejection Summary. She advised that a total of 74 of the early ballots were rejected of the 8,446 received, which was a very low rate. The last section reviewed was the Summary of Provisional Ballots, which contained no detail because there were so few with less than 10 votes in some precincts, it would have been possible to identify the voters. She stated that of the 347 provisional ballots cast, 85 were rejected for various reasons. Supervisor Dawson stated that she would be interested in receiving a summary of the cost to Gila County for operating a precinct, especially the small precincts where there are problems and requested that Ms. Eastlick provide same to the Board. She felt this information would be important for redistricting purposes and the consolidation of some of the precincts. Chairman Pastor stated that he and Ms. Eastlick attended a redistricting workshop and the upcoming redistricting will be required to meet federal guidelines, so it could possibly be very difficult. Ms. Eastlick also advised that the future voting equipment will also impact the County. There will be a presentation in June by Yavapai County about a test pilot they are conducting on what is called an electronic poll book, which would eliminate the need for signature rosters and precinct registers with everything being electronic. The Board thanked Ms. Eastlick and Ms. Dalton, Recorder, for a smoothly-run election process. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously canvassed the elections results for the May 18, 2010, Special Election and declared the results official.

Item 3 - Information/Discussion/Action to consider awarding funds to the Cobre Valley Community Transit program for the continued operation of the Dial-A-Ride program. Funding for this program will come from the remaining LTAF II (Local Transportation Assistance Fund II) allocation.

Steve Stratton, Public Works Division Director, advised the Board that these will be the last funds for this year as the State has stopped distributing the lottery monies for transit programs. Gila County, in the past, has used these funds to assist the senior citizen centers throughout the County, the transit program, the Town of Miami and the local railroad on transit issues. He stated that the Cobre Valley Community Transit (CVCT) program is very important to the community in assisting the elderly, handicapped and others that utilize this service. Mr. Stratton advised that in working with these funds over the years, a percentage of the ridership has been funded from the 3 entities

involved—the City of Globe, the Town of Miami and Gila County. Gila County’s ridership, as close as can be ascertained, is 18%; however, the County has been requested to fund one-third of the cost with which Mr. Stratton disagrees. He believes the County needs to utilize its monies in the best way possible with the amount that is left. Mr. Stratton also noted that there were items listed in the budget, which he questioned at a transit meeting a couple of weeks ago and has since received some answers. The budget has also changed as recently as 12:30 p.m. today. Mr. Stratton believes the budget amounts have been reduced because of the ARRA (American Recovery and Reinvestment Act) money that has gone into the program. The request to Gila County from the CVCT program is for the amount of \$13,160, which is a full third share. Mr. Stratton reminded the Board that as it considers the amount it wishes to fund for this program, there will be a lot of other requests for funding such as from the senior centers, etc. He also noted that the County has saved some money over the last few years in case there was an economic downturn or the State decided not to fund the County. He advised that Sandy Eylicio, Town of Miami Transit Coordinator, was present to answer any questions. Vice-Chairman Martin stated that Gila County is being asked for \$13,160, which is a full third of the program and yet Gila County is amounting to about one-sixth of the ridership. If Gila County was really paying its share, it would amount to about one-half of the requested \$13,160. Mr. Stratton replied that she was correct. He also noted that the space rental in the budget for this program shown as \$1,000 is space owned by Gila County that is rented to the Town of Miami at \$100 per month, so that actual total should be \$1,200. However, that could be something that Gila County could do more as an in-kind service because the County doesn’t get paid those funds by the Town of Miami most of the time. It is the old Justice of the Peace building in Miami that Gila County still owns. He noted that the County has loaned its support in other ways to this program through services provided by the County Shop Department and providing aide during emergencies, etc. Mr. Stratton stated that there are 2 decisions that need to be made and that is if short-term the County can afford to provide the amount requested this year and long-term how or if the County should continue to support this program in the future since it won’t be receiving anymore LTAF II funds. Supervisor Dawson also noted that at the transportation meeting, Mr. Stratton also brought up the issue about a salary contained in the budget for a mechanic, which has since been removed from the updated budget. Chairman Pastor called on Ms. Eylicio to provide some answers. Ms. Eylicio stated that the City of Globe questioned the ridership stating that it has portrayed them unfairly. The City of Globe believes that if a client was picked up in Gila County and made 3 stops in Globe where all the shopping is available, then Globe would have 3 counts and Gila County would only have one, which they believe is not portrayed equally. That is why the City of Globe has only agreed to pay its portion to sponsor the program if the cost is split evenly in thirds. Ms. Eylicio stated that she is only required to report the number of people picked up on a given day, not how many are picked up in each area per person. She brought with her a log of the ridership

for the past 3 months in the event the Board would like to review it. In regard to the budget, Ms. Eylicio stated that the mechanic's salary was cut because Gila County has offered assistance in the past and has offered to assist in the future if needed. She stated that ADOT (Arizona Department of Transportation) recommended that a certain amount be retained in the budget for repairs for the purchase of parts if the County were to do the vehicle repairs. Gila County has offered that as in-kind services. She stated that many cuts were made in the budget because ADOT has stepped forward and announced that there were unused ARRA funds in the amount of \$24,400 that they would allow to be used by this program for operational costs. The problem remains with the ridership split and the City of Globe. Upon inquiry from Chairman Pastor, Ms. Eylicio advised that the transit operates in the greater Globe-Miami area and does not go out to San Carlos because permission has not been granted to cross the jurisdiction line onto the San Carlos Reservation. They have tried to get that permission; however, efforts have been unsuccessful. They are also requesting a 3-mile excursion out to the BHP Mines to increase ridership in order to possibly get more sponsorship; however, with the budget cuts they can't accommodate the mine's work shifts. She advised that there are also several requests to increase the ridership out to the Wheatfields area and Holiday Hills. This request has not yet been pursued, but will be brought before the shareholders and ADOT for authorization. Currently the cutoff is at Guayo's Restaurant on the Apache Trail. Supervisor Dawson stated that at a transportation meeting a year ago, Bernadette Kniffen of San Carlos offered to work with the transit program to come into town and she inquired if that ever occurred. Ms. Eylicio stated that people have requested drop offs as far out as the Globe Circle K convenience store and then the Apache Transit meets the people there and takes them to San Carlos. She believes there is not much ridership into this area from San Carlos; however, Apache Transit does provide ridership to the Apache Gold Casino. Supervisor Dawson stated that she understood they were offering ridership to the hospital, Wal-Mart and to the casino. Supervisor Dawson also inquired that since the mechanic has been dropped from the budget, did that not change the amount of the in-kind contribution by Gila County? Ms. Eylicio replied that it did change the amount and then Supervisor Dawson pointed out that the amount of in-kind contribution is listed as \$10,000. Ms. Eylicio stated that originally the amount for the mechanic position was \$15,000, which would have been divided among the 3 entities. That has been eliminated as well as the fringe benefits for the mechanic position. Supervisor Dawson inquired if the Town of Miami is going to help with the repairs and inquired if Ms. Eylicio is dividing that amount. Ms. Eylicio replied that Gila County has offered to allow its mechanics in the Public Works Division to do the repairs and the Town of Miami will use its Public Works Department to do the oil changes and jobs of that nature. Mr. Stratton questioned that instead of the maintenance being shown as an in-kind service that would reduce each entity's third, shouldn't that in-kind service be appropriated only toward Gila County's third; otherwise, it is an unfair appropriation of the funds? Chairman Pastor agreed that Mr. Stratton's

argument was valid. He suggested that all parties sit down together and review the budget again due to the recent changes and hopefully reach a better resolution. He stated, "When the County is offering the services we're offering to maintain the vehicles...it puts us at a disadvantage when we're trying to help this program." Supervisor Dawson stated that she was upset about this because these issues came up all of a sudden and if the County didn't approve it by Friday, the service would be discontinued. She stated, "Today, you know that a year from now you need to have a budget and you need to have resolution." She felt this was very poor planning. Chairman Pastor inquired of Ms. Eylicio if there was no funding by Friday, would the program be out of service? Ms. Eylicio replied that the service will still be carried out until the end of the fiscal year, which ends in October. She stated that this came as a surprise to everyone when the State swept the LTAF II funding and it has affected every transit agency, which is where all the entities' funding originates. It was never an issue before now. Ms. Eylicio advised that this is the first time that ADOT has required her to get letters from the shareholders stating that they would sponsor this program or ADOT would not approve funding. Vice-Chairman Martin inquired whether there is a period of time to review this budget. Ms. Eylicio stated that she is on the spot with ADOT to get this completed and she tried to get an ADOT representative to attend today's meeting to explain the circumstances; however, no one was able to attend. Ms. Eylicio stated that she was also trying to contact a couple of other agencies to co-sponsor the program to cut down the costs; however, that could still be months away. This is the first year she is attempting to secure additional sponsors and she's in the process of setting up meetings with the mines and a couple of local agencies. Upon inquiry from Vice-Chairman Martin, Ms. Eylicio stated that with the County's \$13,160, these monies would be for the budget for next year through October 2011. John Nelson, Interim County Manager/Clerk, stated that the program provides a very critical service that needs to remain in operation. He stated, "I am not at all happy with the process we have gone through. I don't like the way the County match has been counted, but it is my opinion since we have been put under the gun like this, that the Board approve the request with the stipulation that next year this come back to us in a valid process or we will not participate." Chairman Pastor stated, "I think we should have more voice at the table when this is all figured out because just saying we will split it in thirds and everybody else backing off and waiting on the County to take the big bite isn't a very favorable position for us to be in." Mr. Stratton stated that he was unaware that this transit program didn't serve the Wheatfields area, which is a large population of County citizens. After learning of the program's service area, the only County citizens it does serve are the ones in the canyons, Little Acres, and Central Heights. Everything else is in an incorporated area of Globe or Miami. Mr. Stratton stated, "If the Board does vote to fund this at a full third, it would be my request that it also service a large portion of the County's citizens in Wheatfields and I would be happy to speak to Sam Chavez, ADOT Program Manager, about that on their behalf if necessary." Chairman Pastor agreed

that it would be more equitable if it served the Wheatfields area. Ms. Eylicio stated that she would appreciate Mr. Stratton's assistance in getting the area of Wheatfields included as she has been trying to get that area approved with ADOT. Supervisor Dawson stated, "I can't imagine that ADOT would say that we can't cover an area especially when we are paying substantially more than our share of this." Supervisor Dawson also mentioned the rent that the Town of Miami is not paying even though it is listed in the budget. Ms. Eylicio stated that she was not aware that the Town was not paying the rent for the building and she will work with the Town of Miami Finance Clerk so that issue will be corrected. Supervisor Dawson stated, "I'm sorry Ms. Eylicio, but you can't guarantee us or say that they are going to pay us. So that's just not something you are capable of doing and that's not the only bill they don't pay to the County." Supervisor Dawson stated that she does not want to see this put off for another year, but feels that a member of this Board needs to meet with the entities and see if the whole program needs to be revamped in order to survive in the coming year. She also agreed that it is unfair that Gila County is paying more than its portion because it's Gila County taxpayer money, too. Upon motion by Vice-Chairman Martin, seconded by Supervisor Dawson, the Board unanimously approved awarding \$13,160 to the CVCT program for the continued operation of the 2011 Dial-A-Ride program of which funding for this program will come from the LTAF II allocation; and in addition, the Gila County Board of Supervisors requests that Wheatfields be brought into the ridership and that County staff work with the transit staff to come up with a more equitable distribution in the future.

Item 4 – Information/Discussion/Action to appoint a Gila County Manager. Pursuant to A.R.S. §38-431.03(A)(1), the Board may vote to go into executive session to consider the possible appointment of a candidate to the position of County Manager.

John Nelson stated that 116 days ago he was appointed as Interim County Manager and the Board instructed him to go on a national recruitment for a County Manager. He was also instructed to honor the 120-day freeze that was adopted by the Board for all County departments. He advised that the County has now completed a national recruitment for a County Manager. He estimated that approximately 300 applications were received. The Personnel Department reviewed the applications and selected 20 that were considered the best qualified candidates. A 3-member team consisting of himself; Berthan DeNero, Personnel Director; and Jacque Griffin, Assistant County Manager/Librarian, reviewed the 20 applications and selected 7 candidates for telephone interviews. Only 6 candidates were interviewed (one dropped out for personal reasons) by a 6-member committee consisting of the same 3 members from Gila County along with 3 members from outside of Gila County. That committee forwarded 3 applicants to the Board, which the Board has now interviewed. Mr. Nelson stated that he was disappointed with the lack of response from Gila County applicants; however, there was no Gila County

resident that met minimum qualifications who was not interviewed, but he wished there would have been more. He thanked the Personnel Department for doing an excellent job in setting up this process. He also noted that the Personnel Director has conducted background checks and references on the candidates. Mr. Nelson recommended that the Board hire Don E. McDaniel, Jr. as Gila County Manager, effective June 7, 2010, at a salary of \$113,048. Supervisor Dawson stated that she received a complaint regarding the County's hiring process and she responded by explaining the process, which she felt was a very fair procedure that was followed. She stated, "I feel very good about those that did apply and I am happy with the recommendation that's been made... and I believe Mr. McDaniel will fit well in our community." At 2:22 p.m., Chairman Pastor requested a brief recess so he could take a call from Washington, D.C. Chairman Pastor reconvened the meeting at 2:30 p.m. Vice-Chairman Martin thanked County staff for a very smooth process and stated, "I am delighted with John's recommendation." Chairman Pastor also thanked County staff for assisting the Board in filling this position and stated, "I think we've picked the right person for the job." Upon motion by Supervisor Dawson, seconded by Vice-Chairman Martin, the Board unanimously offered Don E. McDaniel, Jr. a contract for the position of Gila County Manager, effective June 7, 2010, with an annual salary of \$113,048. Chairman Pastor then introduced Mr. McDaniel, who was present at the meeting. Mr. McDaniel gave a few brief comments and stated, "I'm excited, I'm honored and I'm flattered. What do you say after these comments? I really do appreciate them very much. Anything I'd say about the process would be self-serving, but it really was a great process, very smooth, very thorough...I'm looking forward to the opportunity and the challenge here. I see great things here...Everything about Gila County is what I'm about and I'll be 100% here. I'm looking forward to that. I want to thank you for your confidence in me."

There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 2:37 p.m.

APPROVED:

Michael A. Pastor, Chairman

ATTEST:

John F. Nelson, Interim County Manager/Clerk